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**HOUSE BILL 567**

**46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004**

**INTRODUCED BY**

**James G. Taylor**

**AN ACT**

**RELATING TO ELECTIONS; CHANGING THE HOURS OF OPERATION OF  
ALTERNATE EARLY VOTING SITES.**

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:**

**Section 1. Section 1-6-5 NMSA 1978 (being Laws 1969,  
Chapter 240, Section 131, as amended by Laws 2003, Chapter 355,  
Section 4 and by Laws 2003, Chapter 356, Section 19 and also by  
Laws 2003, Chapter 357, Section 2) is amended to read:**

**"1-6-5. PROCESSING APPLICATION--ISSUANCE OF BALLOT--  
MARKING AND DELIVERY OF BALLOT IN PERSON.--**

**A. The county clerk shall mark each completed  
absentee ballot application with the date and time of receipt  
in the clerk's office and enter the required information in the  
absentee ballot register. The county clerk shall then  
determine if the applicant is a voter, an absent uniformed**

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1 services voter or an overseas voter.

2 B. If the applicant does not have a valid  
3 certificate of registration on file in the county and he is not  
4 a federal qualified elector or if the applicant states he is a  
5 federal qualified elector but his application indicates he is  
6 not a federal qualified elector, an absentee ballot shall not  
7 be issued and the county clerk shall mark the application  
8 "rejected" and file the application in a separate file from  
9 those accepted.

10 C. The county clerk shall notify in writing each  
11 applicant of the fact of acceptance or rejection of his  
12 application and, if rejected, shall explain why the application  
13 was rejected.

14 D. If the applicant has on file with the county a  
15 valid certificate of registration that indicates that the  
16 applicant is a voter who registered by mail without submitting  
17 the required identification, the county clerk shall notify the  
18 voter that he must submit with his absentee ballot a copy of a  
19 current and valid photo identification, utility bill, bank  
20 statement, government check, paycheck or other government  
21 document that shows the name and address of the applicant. The  
22 county clerk shall note on the absentee ballot register and  
23 signature roster that the applicant's absentee ballot must be  
24 returned with the required identification.

25 E. If the county clerk finds that the applicant is

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1 a voter other than a federal qualified elector or overseas  
2 voter, the county clerk shall mark the application "accepted"  
3 and, beginning twenty-eight days before the election, deliver  
4 an absentee ballot to the voter in the county clerk's office or  
5 mail to the applicant an absentee ballot and the required  
6 envelopes for use in returning the ballot. If the county clerk  
7 finds that the applicant is a federal qualified elector or  
8 overseas voter, the county clerk shall mark the application  
9 "accepted" and beginning forty-five days before the election,  
10 mail to the applicant an absentee ballot and the required  
11 envelopes for use in returning the ballot. Acceptance of an  
12 application of a federal qualified elector constitutes  
13 registration for the election in which the ballot is to be  
14 cast. Acceptance of an application from an overseas voter who  
15 is not an absent uniformed services voter constitutes a request  
16 for changing information on the certificate of registration of  
17 any such voter. An absent voter shall not be permitted to  
18 change his party affiliation during those periods when change  
19 of party affiliation is prohibited by the Election Code. Upon  
20 delivery of an absentee ballot to a voter in the county clerk's  
21 office or mailing of an absentee ballot to an applicant who is  
22 a voter, an appropriate designation shall be made on the  
23 signature line of the signature roster next to the name of the  
24 voter who has been provided or mailed an absentee ballot.

25 F. If an application for an absentee ballot is

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1 delivered in person to the county clerk and is accepted, the  
2 county clerk shall provide the voter an absentee ballot and it  
3 shall be marked by the applicant in a voting booth of a type  
4 prescribed by the secretary of state, sealed in the proper  
5 envelopes and otherwise properly executed and returned to the  
6 county clerk or his authorized representative before the voter  
7 leaves the office of the county clerk. The act of marking the  
8 absentee ballot in the office of the county clerk shall be a  
9 convenience to the voter in the delivery of the absentee ballot  
10 and does not make the office of the county clerk a polling  
11 place subject to the requirements of a polling place in the  
12 Election Code other than is provided in this subsection. It  
13 shall be unlawful to solicit votes, display or otherwise make  
14 accessible any posters, signs or other forms of campaign  
15 literature whatsoever in the clerk's office. Absentee ballots  
16 may be marked in person at the county clerk's office during the  
17 regular hours and days of business beginning on the twenty-  
18 eighth day preceding the election and from 10:00 a.m. to 6:00  
19 p.m. on the Saturday immediately prior to the date of the  
20 election. In marking the absentee ballot, the voter, pursuant  
21 to the provisions of Section 1-12-15 NMSA 1978, may be assisted  
22 by one person of the voter's choice.

23 G. Commencing on the third Saturday prior to an  
24 election, an absent voter may vote in person, on an electronic  
25 voting machine at an alternate location established by the

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1 county clerk. In class A counties with more than two hundred  
2 thousand registered voters, the county clerk shall establish  
3 not less than twelve alternate voting locations as a  
4 convenience to the voters. For class A counties with two  
5 hundred thousand registered voters or less, the county clerk  
6 shall establish not less than four alternate voting locations.  
7 In non-class A counties with more than ten thousand registered  
8 voters, the county clerk shall establish at least one alternate  
9 voting location. In non-class A counties with ten thousand  
10 registered voters or less, early voting shall be conducted in  
11 the office of the county clerk or at such alternative locations  
12 as may be designated by the county clerk. Absentee voting may  
13 be done at an alternate location from 12:00 p.m. to 8:00 p.m.,  
14 [~~Tuesday through~~] Wednesday and Friday, 9:00 a.m. to 6:00 p.m.,  
15 Tuesday and Thursday, and 10:00 a.m. to 6:00 p.m. Saturday  
16 through the Saturday immediately prior to the election. The  
17 county clerk shall ensure that procedures established for  
18 processing an absent voter application and for voting by  
19 absentee ballot are complied with at each alternate location.

20 H. Absentee ballots shall be airmailed to  
21 applicants temporarily domiciled inside or outside the  
22 continental limits of the United States not later than on the  
23 Thursday immediately prior to the date of the election.

24 I. An absentee ballot shall not be delivered or  
25 mailed by the county clerk to any person other than the

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1 applicant for such ballot.

2 J. The county clerk shall accept and process, with  
3 respect to a primary or general election for any federal  
4 office, any otherwise valid voter registration application from  
5 an absent uniformed services voter or overseas voter if the  
6 application is received not less than thirty days before the  
7 election. The county clerk shall also accept and process  
8 federal write-in absentee ballots from overseas voters in  
9 general elections for federal offices in accordance with the  
10 provisions of Section 103 of the federal Uniformed and Overseas  
11 Citizens Absentee Voting Act.

12 K. The secretary of state and each county clerk  
13 shall make reasonable efforts to publicize and inform voters of  
14 the times and locations for absentee voting."

15 Section 2. EFFECTIVE DATE. --The effective date of the  
16 provisions of this act is July 1, 2004.